IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 18446 of 2004

Between:

G.Radha Krishna Murthy, S/o Late Lakshminarayana Sastry,
R/o 4/386, 1st Lane, Padaripuram, Chilakaluripet, Guntur District

..... PETITIONER

AND

1 The Mandal Revenue Officer, Chilakaluripet, Guntur District
2 The Revenue Divisional Officer, Narasaraopet, Guntur District
3 The Joint Collector, Guntur, Guntur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records and issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus and set aside the impugned order of the 2nd respondent issued in Rc.No.309(5)/04-B, dated Nil-8-2004 being illegal, arbitrary and violative of Articles 14 of the Constitution of India apart from being violation of the principles of Natural Justice and pass such further or other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.VENKATA RANGADAS KANURI

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following Order:

The petitioner is the authorised dealer of Fair Price Shop of Circle No.22, Chilakaluripet Town, Guntur District.

The authorisation of the petitioner was cancelled by the second respondent-Revenue Divisional Officer, Narasaraopet, Guntur District by order dated 28-08-2004, after conducting due enquiry into certain allegations. The said order is under challenge in this writ petition.

Admittedly, against the order impugned, an alternative remedy is available under the statute, by way of appeal to the third respondent-Joint Collector, Guntur, Guntur District. As a matter of fact, the petitioner has already preferred the appeal. In the circumstances, though the petitioner raised various grounds assailing the validity of the order of cancellation, I am not inclined to express any opinion on merits. It is open to the petitioner to raise all the grounds in the statutory appeal pending before the third respondent. It is also open to him to produce the documentary evidence, if any, to substantiate his pleas, in which event, the third respondent shall consider the same while disposing of the appeal. However, having regard to the plea of the petitioner that the third respondent has not considered his appeal so far, I deem it appropriate to dispose of the writ petition with a direction to the third respondent to dispose of the appeal pending on his file, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order.

With the above observations, the writ petition is disposed of. No costs.

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11-10-2004

kdl

To

1 The Mandal Revenue Officer, Chilakaluripet, Guntur District
2 The Revenue Divisional Officer, Narasaraopet, Guntur District
3 The Joint Collector, Guntur, Guntur District

4 Two C.Cs. to the Government Pleader for Civil Supplies, High Court Buildings, A.P., Hyderabad. (O.U.T.).

5 Two C.D. Copies.